

Exhibit 9



Deposition of:
Dr. T. Kim Parnell

September 24, 2021

In the Matter of:
**Rebotix Repair LLC v Intuitive
Surgical, Inc.**

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Rebotix Repair LLC v Intuitive Surgical, Inc.

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1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF FLORIDA

3 TAMPA DIVISION

4 Civil Case No. 8:20-cv-2274-T-33TGW

5 REBOTIX REPAIR LLC,

6 Plaintiff,

7 vs.

8 INTUITIVE SURGICAL, INC.,

9 Defendant.

10 REMOTE VIDEOTAPED DEPOSITION OF

11 DR. T. KIM PARNELL

12 Friday, September 24, 2021

13 8:07 a.m. PST

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25 Court Reporter: Michelle M. Boudreaux-Phillips, RPR

Rebotix Repair LLC v Intuitive Surgical, Inc.

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| <p style="text-align: right;">Page 98</p> <p>1 you mean?</p> <p>2 A Yeah, it's of that order. As part of the</p> <p>3 procedure for each one, there is a specified time that</p> <p>4 is set for it, but it's of that kind of level of time.</p> <p>5 Q According to the Rebotix process flow</p> <p>6 estimates of how long various steps take, what's the</p> <p>7 total that Rebotix prescribes as to how long an</p> <p>8 inspection and repair and interceptor process should</p> <p>9 all take total if the particular instrument is deemed</p> <p>10 suitable for repair?</p> <p>11 A There's not a specific time, amount of time</p> <p>12 given, as I recall. I mean, it will certainly be very</p> <p>13 dependent on steps that are needed. It would typically</p> <p>14 be, though, on the order of a few hours, but can vary,</p> <p>15 certainly, depending on what repair steps and retesting</p> <p>16 might be required.</p> <p>17 Q Do you have any estimate, not a guess, but do</p> <p>18 you have an estimate based on facts as to how long it</p> <p>19 customarily or typically takes to sharpen cutting</p> <p>20 features of an EndoWrist instrument when the inspection</p> <p>21 processes of Rebotix indicate that sharpening is</p> <p>22 needed?</p> <p>23 A I know it's dependent on what is needed for a</p> <p>24 particular device, but I can't give you a specific time</p> <p>25 range there. But -- other than to say some will need</p> | <p style="text-align: right;">Page 100</p> <p>1 referenced in 4.3, what applicable paperwork is</p> <p>2 referred to here?</p> <p>3 A It's associated with documents that are a</p> <p>4 part of the process. For example, page 89 of my report</p> <p>5 shows some examples of test record associated with</p> <p>6 devices. And you can see there some of the listing of</p> <p>7 items and what is done for specific devices.</p> <p>8 Q Okay.</p> <p>9 MR. RUBY: It's 5 after 12. There are</p> <p>10 still people -- and we're in various time</p> <p>11 frames. I think the witness is entitled to</p> <p>12 have lunch, and not to mention others. What</p> <p>13 if we -- Madam reporter, you need and deserve</p> <p>14 a break, too. Alan, you deserve a break.</p> <p>15 How would anybody feel we took a break, say,</p> <p>16 for 40 minutes to 12:45 and then return to</p> <p>17 our duties? Is anybody offended by that?</p> <p>18 MR. ERWIG: Sounds fine.</p> <p>19 MR. RUBY: Pardon me. If that's okay,</p> <p>20 then we'll be off the record.</p> <p>21 THE VIDEOGRAPHER: The time is now 12:05</p> <p>22 p m. We're going off the record.</p> <p>23 (Lunch recess taken.)</p> <p>24 THE VIDEOGRAPHER: The time is now 12:53</p> <p>25 p m. We're back on the record. This is the</p> |
| <p style="text-align: right;">Page 99</p> <p>1 more than others depending on what's required. Some</p> <p>2 may need basically nothing additional associated with</p> <p>3 sharpening, but many will, and those will depend on the</p> <p>4 characteristics of the blade and the testing cuts.</p> <p>5 Q Could we go back, please, to that one sheet</p> <p>6 3038, PR3038, about sharpening. And if you'd look,</p> <p>7 please, right at the last line, Dr. Parnell, it says,</p> <p>8 "complete applicable paperwork and refer to" another</p> <p>9 part of the process flow. Do you see that?</p> <p>10 A Yes.</p> <p>11 Q Now, this circumstance here about "complete</p> <p>12 applicable paperwork," in the process flow, there is</p> <p>13 still -- whether the device needs sharpening or not,</p> <p>14 there still are a number of inspections and cleanings</p> <p>15 that would need to be done in every case; isn't that</p> <p>16 true? There may or may not need to be sharpening after</p> <p>17 these 4.2 exercises are done, but there are still</p> <p>18 things that need to occur under the process flow; isn't</p> <p>19 that true?</p> <p>20 A That is true and it's a part of the</p> <p>21 inspection documentation here, you know, series of</p> <p>22 tests such as cables, cable adjustment, that sort of</p> <p>23 thing, motion. Yeah, there are a whole series of</p> <p>24 things to evaluate.</p> <p>25 Q Do you know, then, what paperwork is</p> | <p style="text-align: right;">Page 101</p> <p>1 beginning of Media Unit 4. Please continue.</p> <p>2 Q (By Mr. Ruby) All right. Dr. Parnell, when</p> <p>3 a -- when a surgeon using traditional laparoscopic</p> <p>4 tools wants to control bleeding in a patient, what tool</p> <p>5 does she use?</p> <p>6 A Was the question regarding bleeding?</p> <p>7 Q Yes. If you didn't pick that up in the</p> <p>8 question, maybe it was left off, do you want me to</p> <p>9 repeat the question?</p> <p>10 A Sure.</p> <p>11 Q When a surgeon performing a traditional</p> <p>12 laparoscopic surgery wants to control bleeding in her</p> <p>13 patient, what laparoscopic instrument does she use?</p> <p>14 A Well, I'm not a medical doctor or surgeon,</p> <p>15 but generally for things like that, the surgeon will</p> <p>16 utilize some form of a -- of the clamp to close the</p> <p>17 tissue and it may ultimately be sutured, possibly, but</p> <p>18 there would be pressure applied.</p> <p>19 Q When a surgeon performing a traditional</p> <p>20 endoscopic surgery wants to control bleeding in his</p> <p>21 patient, what instrument would you expect him to use?</p> <p>22 A Again, with the disclaimer that I'm not a</p> <p>23 medical doctor, but I would expect similar type of</p> <p>24 instrument to be able to apply a clamp or some form of</p> <p>25 pressure.</p> |